

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

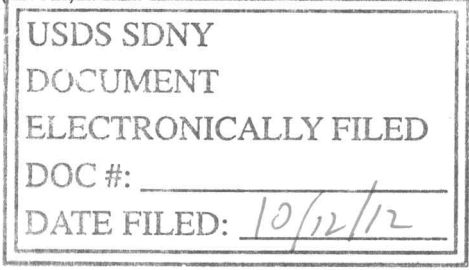
- v. - :

98 Cr. 1023 (LAK)

KHALID AL FAWWAZ, and :
ADEL ABDEL BARY, :

Defendants. :

- - - - - x



PROTECTIVE ORDER
PERTAINING TO UNCLASSIFIED INFORMATION

UPON application of the Government, and with consent of the defense:

WHEREAS, the defendants have certain rights under the United States Constitution, federal statutes, and the Federal Rules of Criminal Procedure, to pre-trial discovery;

WHEREAS, the Government recognizes its obligation to provide such discovery materials to the defendant, consistent with national security concerns, the need to protect public safety, and the confidentiality of ongoing investigations;

WHEREAS, the volume of discovery materials that the Government intends to provide to the defendants contains certain materials that, if disseminated to third parties, could, among other things, pose a threat to public safety and the national security and impede ongoing investigations;

IT IS HEREBY ORDERED, pursuant to Federal Rule of Criminal Procedure 16(d), that discovery materials provided by the

Government to counsel of record¹ shall not be further disseminated² by the defendants or their respective counsel to any individuals, organizations or other entities, other than: (i) members of the defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, the defendant, and secretarial staff); and (ii) defense expert(s). Each of the individuals to whom disclosure of discovery materials is made shall be provided a copy of this Protective Order by counsel of record and will be advised by counsel of record that he or she shall not further disseminate the materials except by the express direction of counsel of record. In addition, counsel of record for any defendant or any defense investigator may show (but not provide copies of) discovery materials to witnesses or potential witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case;

IT IS FURTHER ORDERED that all such discovery materials are to be provided to the defense, and used by the defense, solely for the purpose of allowing the defendants to prepare their defense to the charges in the Indictment, and that none of the

¹ Counsel of record means Andrew Patel, Esq., and Bobbi C. Sternheim, Esq.

² "Disseminated," as used herein, means to provide a copy of the particular piece of discovery, provide quotations from a particular piece of discovery, summarize the contents of a particular piece of discovery, and/or show a particular piece of discovery to others.

discovery materials produced by the Government to the defense shall be disseminated to any other third party not described in the preceding paragraphs;


IT IS FURTHER ORDERED that nothing in this Order shall preclude the Government from seeking a further Protective Order pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 § 3, to protect against disclosure in this case of any classified information disclosed by the Government;

IT IS FURTHER ORDERED that nothing in this Order prohibits the media from requesting copies of any items that are received by the Court as public exhibits at a hearing, trial, or other proceeding; and

FINALLY, IT IS ORDERED that nothing in this Order shall preclude the Government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material.

Dated: New York, New York
October 11, 2012

SO ORDERED:



HONORABLE LEWIS A. KAPLAN
United States District Judge
Southern District of New York